

**From:** John Lightsey  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

Hi there,

My name is John Lightsey and I'm a computer programmer and systems administrator for a small web development company in Houston Texas. Though I don't have an opinion about the legal wording of the proposed Microsoft antitrust settlement, I do feel qualified to voice my own opinion about its spirit.

The question of whether or not Microsoft holds a monopoly position in the desktop OS marketplace is already resolved. They do hold a monopoly and have for some time now. The question of whether or not Microsoft misuses their monopoly has also been resolved. They have misused it on numerous occasions in very direct way and are continuing to do so today. The proposed settlement, while acknowledging these facts, does little to prevent or halt current and future abuses of Microsoft's monopoly position. For example, it is patently obvious that Microsoft illegally tied Internet Explorer into the Windows OS in order to destroy the market for third party web browsers, why is Microsoft STILL being allowed to bundle it in Windows XP. Why is there so little discussion of compensating the parties who were directly damaged by that action (Netscape, Mozilla, Opera, etc)? And, as a consumer, why do I still not have the option of purchasing a retail version of Windows without Internet Explorer built into it with the cost of Explorer reduced from the price?

This same line of reasoning applies to a wide variety of programs being bundled with the latest release of Windows which in reality are not a part of the operating system itself. Media Player (Microsoft's latest anti-competitive move very obviously designed to kill off third party applications like Real Player, Winamp, Power-DVD, Win-DVD which had done so well on Windows 95/98), its integrated firewall (destroying the market for products by Norton, Black Ice, Zonelabs and others), CD-burning capabilities (Nero, EZCD-Creator, CDR-Win), .Net capabilities (Java). The list of all the markets for third party applications that Microsoft has already destroyed is quite voluminous. The list of what companies they are directly targeting with their latest OS release is also quite lengthy. Microsoft's contention with Internet Explorer has always been that it is "free". So, are all of these applications similarly "free"? If so, why doesn't Microsoft make versions of these "free" applications available for other Operating Systems? The answer is obvious...these programs simply aren't free. They have a cost associated with them, and that cost is being directly rolled into the cost of the OS. So, if I'm already a happy consumer of RealMedia's products, why am I being forced to purchase Media Player? If I'm already happy with Nero as my CD burner, why am I being forced to buy the bundled Microsoft CD Burner? Out of the \$200 cost for a full version of the Home Edition of Windows XP how much of the money am I spending on Microsoft products that I'm perfectly content to purchase from third parties? Unfortunately, when you combine the

Microsoft bundling practices with it's other practices designed to force upgrading in order to maintain compatability you get a very nasty combination that will most certainly destroy any consumer choice in these areas in a very short time span. In fact, the length of time it has taken just to decide wether or not Netscape was pushed out of the browser market illegally has seen the birth and the first stages of the death of valuable markets in CD burning software, personal firewalls, and integrated media applications. As a consumer, the government's nod of approval towards Microsoft's actions in this regard are quite disheartening.

Personally, I stopped using ALL Microsoft products when I read the news that the government was throwing in the towel and giving microsoft the go ahead to do as it pleases. It's quite obvious Microsoft has no intentions of stopping it's practices which will ultimately destroy the markets for any and all profitable third part computer applications. It's also becoming quite obvious that the current administration is not interested in addressing the monopolistic practices of Microsoft. As a programmer I worry that if I ever build a profitable business off an application designed to work in Windows, I would be in jeopardy of having the functionality of my product integrated into the OS and any future market for my product destroyed. As a consumer, I'm disturbed to find that the government has no intention of creating a level playing field on which products can compete on the basis of merit, rather than the financial clout of their creators or their forced purchase through bundling. As a result I've started using Linux and contributing to the development of a truly free desktop OS. Though I do beleive many Microsoft products stand on their own merits (the core of the Windows OS, Office, Visual Studio) the fact that neither the government or Microsoft intended to halt the continued unfair, and IMHO illegal, anti-competitive practices or Redmond is really making it an all-or-none decision. Everything is Microsoft's or nothing is Microsoft's... Things like the Frontpage 2002 End Users Licensing Agreement, and it's conditions that you can't use the product to design a website critical of Microsoft or its subsidiaries, make it obvious that the "Everything is Microsoft" route will eventually destroy the computer industry.

Wether or not you agree with anything I've had to say up until this point, before I close I'd just like to mention another concern I've had recently. Many industry insiders are claiming the Desktop computer will fall by the wayside in another decade. While I don't necessarily agree with this prediction, it appears that Microsoft does. The X-Box, Windows CE, and .Net seem to be the spearhead of their advance into these new markets. Backed by the financial clout their OS monopoly has produced and their complete control of the desktop and it's standards for communication with other devices, Microsft is pushing its way into these new markets with the intention of dominating them as well. It has been reported, for instance, that Microsoft LOSES \$100 on each and every X-box sold. Given that fact, how long is it going to take Microsoft to turn it's OS monopoly into a game console monopoly, into an internet appliance monopoly, into a PDA OS monopoly. I hope that any changes to the current settlement will take considerations like these into account, and that these issues can be addressed prior to Microsoft using its current monopoly to become the defacto standard in these new

markets as well.

Thank you fo your time.

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